

AMENDED IN SENATE APRIL 18, 2006

AMENDED IN SENATE MARCH 28, 2006

SENATE BILL

No. 1835

Introduced by Senator Florez *Senators Florez and Runner*
(Principal coauthor: Assembly Member Sharon Runner)

February 24, 2006

An act to add Section 44013 to the Public Resources Code, relating to solid waste, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1835, as amended, Florez. Solid waste ~~facility~~ *facilities* permit: ~~enforcement agency~~ *local initiative*.

The existing California Integrated Waste Management Act of 1989 prohibits a person from operating a solid waste facility without a solid waste facilities permit if that facility is required to have a permit.

This bill would prohibit an enforcement agency, as defined, from *proposing, submitting to the California Integrated Waste Management Board, or issuing, and the board from accepting or concurring in*, a solid waste facilities permit ~~and the California Integrated Waste Management Board from concurring in the issuance of a solid waste facilities permit~~ for a solid waste facility approved by a local initiative measure, unless the solid waste facility ~~is consistent with local, state, and federal law, including, but not limited to, local planning, zoning, conditional use permit, and other local requirements~~ *meets specified conditions. The bill would require all time periods within which the enforcement agency or the board are required to act on an application for one of these solid waste facilities to be suspended.*

The bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: ~~no~~-yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 44013 is added to the Public Resources
2 Code, to read:

3 ~~44013. Notwithstanding subdivision (d) of Section 44009, or~~
4 ~~any other provision of this chapter, the enforcement agency shall~~
5 ~~not issue a solid waste facilities permit and the board shall not~~
6 ~~concur in the issuance of a solid waste facilities permit for a solid~~
7 ~~waste facility approved by a local initiative measure, unless the~~
8 ~~solid waste facility is consistent with local, state, and federal law,~~
9 ~~including, but not limited to, local planning, zoning, conditional~~
10 ~~use permit, and other local requirements.~~

11 *44013. (a) Notwithstanding subdivision (d) of Section 44009,*
12 *or any other provision of this division, the enforcement agency*
13 *shall not propose, submit to the board, or issue, and the board*
14 *shall not accept nor concur in, a solid waste facilities permit for*
15 *a solid waste facility approved by a local initiative, unless all of*
16 *the following conditions are met:*

17 *(1) The solid waste facility is consistent with local, state, and*
18 *federal law, including, but not limited to, local planning, zoning,*
19 *conditional use permit, countywide siting element, and other*
20 *requirements.*

21 *(2) The solid waste facility has received all permits required to*
22 *commence operations from all local, state, and federal agencies*
23 *having jurisdiction, including, but not limited to, the governing*
24 *body of the applicable city or county, the appropriate California*
25 *regional water quality control board, and the air pollution*
26 *control district or the air quality management district.*

27 *(3) The solid waste facilities permit is accompanied by*
28 *certifications from the agencies having jurisdiction that the solid*
29 *waste facility has received all permits specified in paragraph (2).*

30 *(b) Notwithstanding Sections 44008 and 44009, or Chapter*
31 *4.5 (commencing with Section 65920) of Division 1 of Title 7 of*
32 *the Government Code, all time periods within which the*
33 *enforcement agency or the board are required to act on an*

1 *application for a solid waste facility subject to this section shall*
2 *be suspended.*

3 SEC. 2. This act is an urgency statute necessary for the
4 immediate preservation of the public peace, health, or safety
5 within the meaning of Article IV of the Constitution and shall go
6 into immediate effect. The facts constituting the necessity are:

7 In order to protect public health and safety and the
8 environment, it is necessary for this act to take effect
9 immediately.